

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual, JOHN DOE
#2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of Washington,
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendantss.

No. 3:09-CV-05456-BHS

DECLARATION OF WILLIAM B.
STAFFORD REGARDING INTERVENOR
WASHINGTON FAMILIES STANDING
TOGETHER'S MOTION FOR SUMMARY
JUDGMENT

**FILED UNDER SEAL
PURSUANT TO STIPULATED
PROTECTIVE ORDER
(DOCKET NO. 181)**

DECL. OF W. STAFFORD RE WAFST'S
MOTION FOR SUMMARY JUDGMENT (No.
3:09-CV-05456-BHS) – 1
71718-0001/LEGAL21196059.1

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3 I, William B. Stafford, declare as follows:
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5 1. I am an attorney with Perkins Coie LLP, counsel for Intervenor Washington
6 Families Standing Together ("WAFST") in this lawsuit. I have personal knowledge of the facts
7 set forth in this declaration and am competent to testify to them.
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11 2. On August 27, 2010, Plaintiffs' counsel provided a revised version of Plaintiffs'
12 Confidential Witness List to counsel for other parties in this matter, which identified 19
13 witnesses, including five individuals identified as John Does #1-5 (respectively;
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19 3. On October 15, 2010, defendants and intervenors took the deposition of
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21 Attached as Exhibit A is a true and correct copy of excerpts of that deposition.
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23 4. On September 15, 2010, defendants and intervenors took the deposition of
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25 Attached as Exhibit B is a true and correct copy of excerpts of that
26 deposition.
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29 5. On September 24, 2010, defendants and intervenors took the deposition of
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31 Attached as Exhibit C is a true and correct copy of excerpts of that deposition.
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33 6. On September 1, 2010, defendants and intervenors took the deposition of
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35 Attached as Exhibit D is a true and correct copy of excerpts of that deposition.
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37 7. On September 1, 2010, defendants and intervenors took the deposition of
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39 Attached as Exhibit E is a true and correct copy of excerpts of that deposition.
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41 8. On October 7, 2010, defendants and intervenors took the deposition of
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43 Attached as Exhibit F is a true and correct copy of excerpts of that deposition.
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45 9. On September 23, 2010, defendants and intervenors took the deposition of
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47 Attached as Exhibit G is a true and correct copy of excerpts of that deposition.
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49 10. On October 7, 2010, defendants and intervenors took the deposition of
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51 Attached as Exhibit H is a true and correct copy of excerpts of that deposition.

1 11. On September 13, 2010, defendants and intervenors took the deposition of
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3 . Attached as Exhibit I is a true and correct copy of excerpts of that deposition.

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5 12. On September 13, 2010, defendants and intervenors took the deposition of
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7 Attached as Exhibit J is a true and correct copy of excerpts of that deposition.

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9 13. On September 15, 2010, defendants and intervenors took the deposition of
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11 Attached as Exhibit K is a true and correct copy of excerpts of that deposition.

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13 14. On October 1, 2010, defendants and intervenors took the deposition of
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15 Attached as Exhibit L is a true and correct copy of excerpts of that deposition.

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17 15. On September 24, 2010, defendants and intervenors took the deposition of
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19 Attached as Exhibit M is a true and correct copy of excerpts of that deposition.

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21 16. On September 24, 2010, defendants and intervenors took the deposition of
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23 Attached as Exhibit N is a true and correct copy of excerpts of that deposition.

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25 17. On September 22, 2010, defendants and intervenors took the deposition of
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27 Attached as Exhibit O is a true and correct copy of excerpts of that deposition.

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29 18. On September 22, 2010, defendants and intervenors took the deposition of
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31 Attached as Exhibit P is a true and correct copy of excerpts of that deposition.

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33 19. On September 27, 2010, defendants and intervenors took the deposition of
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35 Attached as Exhibit Q is a true and correct copy of excerpts of that deposition.

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37 20. On September 23, 2010, defendants and intervenors took the deposition of
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39 Attached as Exhibit R is a true and correct copy of excerpts of that
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41 deposition.

42 21. On August 26, 2010, defendants served a Request for Production of Documents
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44 on plaintiffs. Defendants sought all documents "relating to any alleged harassment, threat or
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46 retaliation relating directly or indirectly to [Referendum 71]..." Plaintiffs provided their
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48 written response to defendants' discovery request on September 21, 2010. Attached as Exhibit S
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1 is a true and correct copy of plaintiffs' response to defendants' Request for Production of
2 Document.
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5 22. Plaintiffs produced 1,542 Bates numbered pages of documents and audio files of
6 voice messages in response to defendants' discovery request. I have reviewed Plaintiffs'
7 production. It consists largely of newspaper articles and printouts of websites and blog posts
8 regarding the Proposition 8 campaign in California and the Referendum 71 campaign in
9 Washington. Most of the rest of the production consists of communications between Plaintiffs'
10 counsel and the John Doe declarants regarding preparation of the John Doe declarations and
11 emails to Larry Stickney.
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19 23. In his deposition testimony, indicated that he sent an email
20 solicitation to Referendum 71 petition signers whose email addresses he retained, asking them to
21 share their experiences of harassment. could not recall whether any Referendum
22 71 petition signers responded, but confirmed that any such responses would have been provided
23 in Plaintiffs' production. I have reviewed Plaintiffs' production. Plaintiffs' production does not
24 appear to contain any emails responding to solicitation in which a person
25 indicates he or she was harassed because he or she signed the R-71 petition.
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33 24. On April 28, 2010, the United States Supreme Court heard oral argument in this
34 matter. Attached as Exhibit T is a true and correct copy of excerpts of that oral argument.
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37 25. Since the November 2009 General Election in which Washington voters approved
38 R-71, many of the individuals on Plaintiffs' confidential witness list have referenced their
39 participation in this lawsuit, their support for placing Referendum 71 on the ballot, or their
40 opposition to same-sex marriage and/or gay rights.
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45 26. Attached as Exhibit U is a true and correct copy of a blog post by
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1 27. Attached as Exhibit V is a true and correct copy of an April 28, 2010, blog post

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8 28. Attached as Exhibit W is a true and correct copy of an "Interactive Resume" of
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16 29. Attached as Exhibit X is a true and correct copy of a newspaper article published
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18 in the , which states that
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24 30. Attached as Exhibit Y is a true and correct copy of the Senate Bill Report for
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26 E2SHB 1267, a bill considered by the Washington State Legislature in the 2010-2011 session,
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30 31. Attached as Exhibit Z is a true and correct copy of an August 18, 2010, article
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32 appearing in the and authored by
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43 I declare under penalty of perjury under the laws of the State of Washington that the
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45 foregoing is true and correct.
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47 SIGNED at Seattle, Washington, this 29th day of June, 2011.
48

49 s/ William B. Stafford, WSBA #39849
50 William B. Stafford, WSBA #398
51

CERTIFICATE OF SERVICE

I certify that on June 29, 2011, I electronically filed the foregoing DECLARATION OF WILLIAM B. STAFFORD REGARDING INTERVENOR WASHINGTON FAMILIES STANDING TOGETHER'S MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record.

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*Attorneys for Sam Reed and
Brenda Galarza*

1 I certify under penalty of perjury that the foregoing is true and correct.

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3 DATED this 29th day of June, 2011.

4
5 s/ Kevin J. Hamilton

6 Kevin J. Hamilton, WSBA No. 15648

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